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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/814,243	03/21/2001	Edmund H. Louie	72167.000236	2002
21967 7590 02/22/2007 HUNTON & WILLIAMS LLP INTELLECTUAL PROPERTY DEPARTMENT 1900 K STREET, N.W. SUITE 1200 WASHINGTON, DC 20006-1109			EXAMINER AKINTOLA, OLABODE	
			ART UNIT 3691	PAPER NUMBER
SHORTENED STATUTORY PERIOD OF RESPONSE		MAIL DATE	DELIVERY MODE	
3 MONTHS		02/22/2007	PAPER	

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary

Application No.

09/814,243

Applicant(s)

LOUIE ET AL.

Examiner

Olabode Akintola

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 November 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

The office action is in response to applicant's communication filed on 11/20/2006.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

Claims 1, 10-11, 13-16, 24-25 and 27-29 are rejected under 35 U.S.C. 102(a) as being unpatentable over Tebbe ("If bankers can use the Internet to make big bucks, why can't you? (Between the Lines)") (Info World, Sept. 1997) (Hereinafter referred to as Tebbe).

With regards to Claims 1 and 16, Tebbe teaches a loan management system and method for managing syndicate loans, comprising: a first dataset containing lender data, said lender data being related to a plurality of lenders (Pg. 1, lines 18-20); a second dataset containing borrower data, said borrower data being related to at least one borrower (Pg. 1, line 20); third dataset containing loan resource data, said loan resource data being related to a plurality of loan resources (Pg. 1, lines 18-20); a processing engine coupled to said datasets, said processing engine operable to access said datasets, and operable to manipulate said lender data, said borrower data and said loan resource data contained in datasets (Pg. 1, lines 22-25; pg. 2, lines 7-10); a user interface coupled to said processing engine; wherein a user provides instructions to said processing engine through said user interface, said instructions causing said processing

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engine to access said datasets and process loan information related to a loan, said loan information comprising said lender data, said resource data and said borrower data (Pg. 1, lines 18-61); and recording and tracking changes to said processed loan (Pg. 1, line 61- pg. 2, line 6).

With regards to Claims 10 and 24, Tebbe teaches the step comprising: a user access authorization module; and an access authorization level assigned to said user, whereby said user is granted access to various portions of said loan management system based on authorization accorded to said user by said user access authorization module determined by said access authorization level (Pg. 1, lines 25-28).

With regards to Claims 11 and 25, Tebbe teaches the step further comprising a contact list including contacts for said plurality of lenders and for said at least one borrower (Pg. 1, lines 15-20).

With regards to Claims 13-15 and 27-29, Tebbe teaches the step wherein said processing engine is further operable to generate messages to at least one of said plurality of lenders, said at least one borrower and at least one contact related to said plurality of loan resources; wherein said generated messages must be approved and released for transmission by a user having approval and release authorization; wherein said generated messages contain all information needed to initiate a loan for use as one of said plurality of loan resources (Pg. 1, lines 22-28).

Claim Rejections - 35 USC § 103

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The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 3, 5 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tebbe.

With regards to Claims 3 and 18, Tebbe does not explicitly teach the step wherein a resource data includes resource data related to at least one of a term loan type resource, a revolving credit type resource and a letter of credit type resource.

Official notice is taken that it is old and well known in loan syndication that bank loans typically includes term loan type and revolvers.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tebbe to include the step wherein a resource data includes resource data related to at least one of a term loan type resource, a revolving credit type resource and a letter of credit type resource because it allows a borrower to know the type of loan (term loans or revolvers) he is being offered, thereby improving the efficiency of the system.

With regards to Claim 5, Tebbe does not explicitly teach the step wherein said first, second and third datasets are part of a relational database.

Official notice is taken that it is old and well known to have datasets in relational database. Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tebbe to include the step wherein said first, second and third datasets are part of a relational database so that each dataset can be associated with other datasets as appropriate thereby enhancing the efficiency of the system.

Claims 9 and 23 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tebbe in view of CFO Alert ("New Medium Brewing For Syndications") (hereinafter referred to as CFO).

With regards to Claims 9 and 23, Tebbe does not explicitly teach the step comprising: an agent fee calculation module operable to calculate an agent fee; and said agent fee related to at least one of transactions for and amounts of said loan resources. CFO teaches the step comprising: an agent fee calculation module operable to calculate an agent fee; and said agent fee related to at least one of transactions for and amounts of said loan resources (Pg. 1, lines 59-61). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tebbe to include this step as taught by CFO. One would have been motivated to do this in order to allow the agent receive payment for his services.

Claims 12 and 26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tebbe in view of Corporate EFT Report ("Internet Promises lower cost loan syndications Intralinks replaces paper with online access") (hereinafter referred to as EFT).

With regards to Claims 12 and 26, Tebbe does not explicitly teach the step comprising: an external data system coupled to said processing engine; wherein said user can provide instructions to said processing engine through said user interface to access said external data system; and said access to said external data system can be used to compare said loan information with external data, and import and export data. EFT teaches the step comprising: an external data system coupled to said processing engine; wherein said user can provide instructions to said processing engine through said user interface to access said external data system; and said access to said external data system can be used to compare said loan information with external data, and import and export data (Pg. 1, lines 53-58). It would have been obvious to one of ordinary skill in the art at the time of the invention to modify Tebbe to include these steps as taught by EFT. One would have been motivated to do this in order to provide for easy exchange of information, thereby increasing efficiency and productivity.

Claims 6, 7, 8, 20, 21 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tebbe in view of Norris (US Patent 5940811) (hereinafter referred to as Norris).

With regards to Claims 6, 7, 8, 20, 21, 22 and 30, Tebbe does not explicitly teach the step comprising: a set of funds transfer instructions for each of said plurality of lenders; and each of said funds transfer instructions having a status indicative of whether said funds transfer instructions are at least pending or approved; wherein said processing engine is operable to process an instruction from a representative of a lender to modify said status for respective funds transfer instructions to pending thereby enabling approval of said funds transfer instructions; and wherein said processing engine is operable to process an instruction from a representative of a

lender to modify said status for respective funds transfer instructions to pending thereby enabling approval of said funds transfer instructions. However, Norris teaches the step comprising: a set of funds transfer instructions for each of said plurality of lenders; and each of said funds transfer instructions having a status indicative of whether said funds transfer instructions are at least pending or approved; wherein said processing engine is operable to process an instruction from a representative of a lender to modify said status for respective funds transfer instructions to pending thereby enabling approval of said funds transfer instructions; and wherein said processing engine is operable to process an instruction from a representative of a lender to modify said status for respective funds transfer instructions to pending thereby enabling approval of said funds transfer instructions (Col. 4, lines 1-14).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tebbe to include these steps as taught by Norris because providing said instructions allow for easier and faster movement of funds within the system as well as eliminating bias in the decision to approve or deny the loan.

Claims 2 and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tebbe

With regard to claim 2 and 17, Tebbe does not explicitly teach the step comprising: a loan portion ownership transfer module operable to inform lenders in said loan management system of a first lender offering a loan portion for at least one of a sale and a trade; said module being further operable to consummate said at least one of said sale and said trade, whereby recordation of a transfer of said loan portion ownership is made in said loan management system;

and said transfer module is further operable to notify said first lender and an other party to said transfer of consummation of said transfer.

Official notice is hereby taken that it is old and well known in the art offer loans for at least one of a sale and a trade. It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tebbe to include these steps, because it greatly improves the efficiency of the system by allowing lenders to build liquidity and support additional lending. Support for this Official notice can be found in McClelland et al (US 5689650) at col. 2, lines 2-8

Claims 4, 19, 31 and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Tebbe in view of Lebda et al. (US Patent 6385594).

With regards to Claims 4, 19, 31 and 32, Tebbe does not explicitly teach the step wherein said processing engine further comprises: business logic including criteria for determining if parameters of a transaction are within appropriate value ranges, wherein said business logic is operable to receive and analyze a transaction request from said user through said user interface and operable to approve said transaction request based on said criteria.

Lebda teaches the step wherein said processing engine further comprises: business logic including criteria for determining if parameters of a transaction are within appropriate value ranges, wherein said business logic is operable to receive and analyze a transaction request from said user through said user interface and operable to approve said transaction request based on said criteria (see Col. 3, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tebbe to include these steps as taught by Lebda because it allow the system to screen transactions before they are processed, thereby saving time.

Claim 33 is rejected under 35 U.S.C. 103(a) as being unpatentable over Tebbe in view of Norris and further in view of Lebda.

Tebbe does not explicitly to teach the step wherein at least one of said approved commands is a funds transfer instruction.

Norris teaches the step wherein at least one of said approved commands is a funds transfer instruction (Col. 2, lines 29-34).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tebbe to include the step wherein at least one of said approved commands is a funds transfer instruction because providing said instructions allow for easier and faster movement of funds within the system, thereby, the enhancing the efficiency of the system.

Tebbe does not explicitly teach applying a set of rules to said set of data provide a determination of whether a command entered through said user interface should be approved based on analyzing range values of command parameters; approving a command based on said determination;

Lebda teaches the step of applying a set of rules to said data in said set of data provide a determination of whether a command entered through said user interface should be approved

based on analyzing range values of command parameters; approving a command based on said determination; (Col. 3, lines 14-20).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Tebbe to include the step of applying a set of rules to said data in said set of data provide a determination of whether a command entered through said user interface should be approved based on analyzing range values of command parameters; approving a command based on said determination taught by Lebda because it allow the system to screen transactions before they are processed, thereby saving time.

Response to Arguments

Applicant's arguments filed 11/20/2006 have been fully considered but they are not persuasive.

Applicant argues that the Tebbe article fails to teach "a first dataset containing lender data, a second dataset containing borrower data, a third dataset containing loan resource data, a processing engine coupled to said first, second and third datasets, and operable to manipulate said lender data, said borrower data and said loan resource data". Examiner respectfully disagrees. The examiner interprets "loan syndicate of 49 lenders", "Compaq", and "line of credit" in Tebbe as meeting these limitations. Tebbe expressly discloses that Bank of America used Interlinks services to create a loan syndicate comprising 49 lenders, 1 borrower and loan resource information via a website to avoid enormous paper and to greatly speed up activities. It is not clear how this loan would have been syndicated without the list of the 49 lenders

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(including their contact) who are given access to appropriate materials using assigned IDs, the resource information (line of credit) and information about the borrower (Compaq) via the Internet. The Examiner asserts that the aforementioned limitations read on the Tebbe article. Furthermore, the case study article (see PTO-892) expressly teaches providing a list of authorized participant (col. 1 – col. 3)

In response to applicant's argument regarding claims 9 and 23, Examiner asserts that CFO Alert article reads on these claims. Charging fees according to the size of the deal reads on these limitations.

In response to applicant's argument regarding claims 12 and 26, Examiner asserts that the EFT article teaches cutting and pasting for internal memoranda (external database). The comparison of loan information as recited in claims is treated as intended use. The examiner notes that the intended use (or field of use) of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to prior art. See *In re Casey*, 370 F.2d 576, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 312 F.2d 937, 939, 136 USPQ 458, 459 (CCPA 1963).

In response to applicant's argument regarding claims 6-8, 20-22 and 30, Examiner asserts that the Norris reference teaches these limitations. Norris teaches both pending (delay loan approval until more information is provided) and approved loans (col. 4, lines 1-14).

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Case Study: LENDING: Bank of America Taps the Web In Handling Loan Syndications (April 1998).

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Olabode Akintola whose telephone number is 571-272-3629.

The examiner can normally be reached on M-F 8:30AM -5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Alexander Kalinowski can be reached on 571-272-6771. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

OA



HANI M. KAZIMI
PRIMARY EXAMINER